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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,162	07/03/2003	Xuejun You	9896-000003	9181

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EXAMINER

RUSSELL, WANDA Z

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,162

Applicant(s)

YOU ET AL.

Examiner

Wanda Z. Russell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Svacek et al. (Pub No. US 2002/0163937 A1).

For **claim 6**, Svacek et al. teach an apparatus (Fig. 2) for dynamic allocation of slot bandwidth (Title), comprising:

N slots (Fig. 2, and [0025], last 5 lines), N denoting the number of slots for dynamic bandwidth allocation (N=16 in Fig. 2. See [0025], last 5 lines);

B/ ΔB pieces (modules, [0029], line 1) of N-selected-one devices (each module among N modules, [0025], line 9 & lines 7-12), input bandwidth of every N-selected-one device being $N \cdot \Delta B$ (bandwidth in [0028], line 7, is $N \cdot \Delta B$ as claimed. $N \cdot \Delta B$ could be equal or less than B), B (system's bandwidth in [0026], line 12, is B as claimed) denoting bandwidth need to be dynamically allocated, ΔB (number of parallel bits to each slot in [0012], 3rd line from the end, is ΔB as claimed, and [0032], lines 7-8 & 5-10) denoting a minimum allocated bandwidth unit; and

a main switch module (34, 42, and 44 -Fig. 3),

Wherein N inputs of each N-selected-one device communicate with the N slots respectively (28-32 -Fig. 3, and [0029], lines 1-4), and an output of each N-selected-one device communicates with the main switch module (34 along with 42, and 44 -Fig. 3), and the main switch module communicate with the N-selected-one devices for controlling the N-selected-one devices to allocate the bandwidth to communicated slots ([0012], last 5 lines, [0031], lines 7-9, and [0032], lines 1-10).

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For **claim 7**, Svacek et al. teach the apparatus according to claim 6, further comprising:

a programmable logic chip controlled by the main switch module for providing , strobe signals to control the N- selected-one devices ([0033], line 4-5).

For **claim 8**, Svacek et al. teach the apparatus according to claim 7, wherein the programmable logic chip is an Electrically Programmable Logical Device (EPLD) (computer PLD, [0033], line 4-5).

For **claim 9**, it is almost identical to claim 6, only for a special situation with slot number 2. N slots in the reference could be either greater than 2 or equal to 2.

Therefore it is rejected for the same reason above.

For **claims 1-5**, they are method claims of claims 6-9; therefore they are rejected for the same reason above.

Response to Amendment

2. Applicant's amendment filed November 29, 2007 has been received and considered.

Response to Arguments

3. Applicant's arguments filed November 29, 2007 with respect to claim(s) 1-9 have been fully considered but they are not persuasive.

4. Applicant argues that the dynamic allocation in Svacek at best appears to be performed by software.

In response, the Examiner respectfully disagrees.

In Fig. 3 of Svacek, the 34 along with 42, and 44 performs the dynamic allocation ([0031], lines 7-9, and [0030]). They are hardware devices.

5. Applicant argues that the B/ Δ B pieces in claim 6 are not modules anticipated by Svacek.

In response, the Examiner respectfully disagrees.

In claim 6, it describes "B/ Δ B pieces of N-selected-one devices". It appears that they are some pieces of modules (devices), same as to those described by Svacek.

6. Applicant argues that Δ B is not the "number of parallel bits to each slot" in [0012] of Svacek.

In response, the Examiner respectfully disagrees.

In addition to [0012], the paragraph [0032], lines 5-12 states "A system comprised of eight (8) personality modules #1-8 each requiring ten (10) parallel bits of bandwidth for a total of eighty (80) parallel bits, can utilize all of the personality modules, even if only 40 parallel bits can be supported at one time".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571) 270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CHI PHAM
ADVISORY PATENT EXAMINER

2/1/08